

REMARKS/ARGUMENTS

The Examiner has rejected claims 10 and 11 under 35 USC 112, second paragraph, as being indefinite. In rejecting the claims the Examiner urges that the phrase "and/or" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

In response to this rejection applicant has amended claims 10 and 11 so that the objectionable phrase no longer appears in these claims. Also, in amending claim 10, it has come to applicant's attention that this claim includes the language "in particular for parenteral, enteral and/or oral administration" to describe a particularly preferred reconstituted or reconstitutable powder food. Applicant has deleted the above-quoted language from claim 10 and has added new claim 23 to cover the particular preferred feature embraced by the above-quoted language. It is to be noted that claim 22 avoids the use of the objectionable phrase "and/or".

The Examiner has rejected claims 1-3, 5-14 and 18-21 under 35 USC 103(a) as being unpatentable over Horrobin et al. In response to this rejection applicant has amended claim 1 by incorporating the limitations of claim 4 therein. In this regard it is to be noted that the Examiner has indicated allowable subject matter with respect to claims 4, 16 and 17. Accordingly, incorporating the limitations of claim 4 into claim 1 clearly overcome the rejection of claim 1 under 35 USC 103(a). Furthermore, since all of the remaining claims ultimately depend from claim 1, it is clear that claim 1 as well as the claims which depend therefrom are now in condition for allowance.

Serial No. 09/581,520

Claims 4, 16 and 17 have been canceled since these claims are no longer necessary in view of the above-discussed amendment to claim 1.

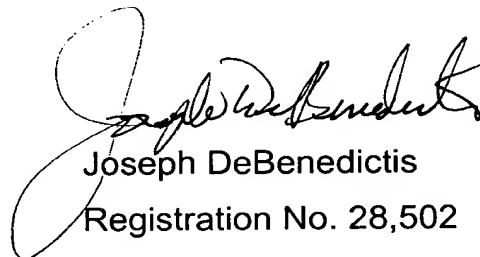
Claim 1 has also been amended by changing the phrase "the components which are selected from the group consisting of..." so that this phrase reads "at least one component selected from the group consisting of..." to make it clear that the claim embraces the selection of more than one member of the Markush group in the fat blend.

Lastly, applicant has amended the claims so that each claim is introduced by the appropriate article "A" or "The".

In view of the allowable subject matter indicated by the Examiner and the above-discussed amendments to the claims, applicant respectfully requests reconsideration and allowance of all of the claims which are now currently pending in the application.

Respectfully submitted,
BACON & THOMAS, PLLC

Date: March 11, 2004



Joseph DeBenedictis
Registration No. 28,502

BACON & THOMAS
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
JDB/jrs

S:\Producer\jdb\Jaeger & Koster\SAWATZKI 581520VA04.wpd